

**Enrolled Minutes of the Seventy-First Regular or Special Meeting
Of the Twenty-Sixth Highland Town Council
Regular Meeting
Monday, December 20, 2010**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, December 20, 2010 at 6:30 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Dan Vassar, Konnie Kuiper, Brian Novak, and Mark Herak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed a recent contact made by a **Mrs. Blade**, 2617 40th Place , Highland with Councilor Kuiper regarding her appeal for reduction in her water bill. It was noted that this matter was addressed by the Board of Waterworks Directors.
2. The Town Council discussed the agenda of the imminent Town Council meeting.

The study session ended at 6:59 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, December 20, 2010 at 7:00 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Mark A. Herak presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings.

The session was opened with Councilor Konnie Kuiper leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Konnie Kuiper and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; and Alex M. Brown, CPRP, Parks and Recreation Superintendent were also present.

Also present: Patrick Vassar, Assistant Metropolitan Police Chief; Kathleen Dowling, Deputy Clerk-Treasurer; and Jim Shanahan of Shanahan & Shanahan Attorneys at Law, were also present.

Minutes of the Previous Meeting

The minutes of the regular meeting of 06 December 2010 were approved by general consent.

Special Orders:

1. **Ceremony:** Commissioning of Metropolitan Police Chaplain Candidate **Rev. William Sytsma**. Police Chaplain Candidate Sytsma was appointed by the Town Board of Metropolitan Police Commissioners at its meeting of November 11, 2010, with the appointment to be effective upon his commissioning.
 - (a) The Clerk-Treasurer read and presented the interrogatories to the candidate. The Clerk-Treasurer stated that based upon the responses, the chaplain's-candidate should be approved and commissioned.
 - (b) Town Council action to affirm the action of the Metropolitan Board of Police Commissioners and to authorize the appointment and to confer a Chaplain's commission. Based upon the forgoing, Councilor Zemen moved to approve the appointment and commission Rev. William Sytsma as a Chaplain. Councilor Kuiper seconded Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The candidate was approved and commissioned.
2. **Special Presentation:** VFW Ladies Auxiliary Special Recognition. The VFW representatives asked for the matter to be rescheduled for the first plenary business meeting in January as some of the representatives could not attend owing to inclement weather. The Town Council consented.
3. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located at **9632 Waymond Avenue, Highland**, to allow the continuation of its utilization as a single family residential use, in property currently zoned as B-1 Neighborhood Business District. Petitioner: Cheryl K. Olsen. The Advisory Board of Zoning Appeals by a vote of four in favor and 0 opposed acted to **favorably recommend the request for the use variance**. The ABZA acted at its meeting of 27 October 2010. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 8 December 2010. (90 days ends 25 January 2011.).
*Pursuant to IC 36-7-4-918.6, the Town Council may either **accept the favorable recommendation** and grant the requested use variance or it may **reject (over rule) the recommendation** and deny the use variance.*

Councilor Kuiper moved to accept the favorable recommendation and grant the use variance. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The use variance was granted.
4. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located at **10328 Indianapolis Boulevard, Highland**, to allow the construction and installation of a 300 sq. ft. Light Emitting Diode Advertising Billboard at the identified location, in property currently zoned as B-PUD Business Planned Unit Development. Petitioner: Robert Campbell and Lamar Advertising. The Advisory Board of Zoning Appeals by a vote of four in favor and 0 opposed acted to **favorably recommend the request for the use variance**. The ABZA acted at its meeting of 27 October 2010. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 8 December 2010. (90 days ends 25 January 2011.).
*Pursuant to IC 36-7-4-918.6, the Town Council may either **accept the favorable recommendation** and grant the requested use variance or it may **reject (over rule) the recommendation** and deny the use variance.*

Mr. Shawn Pettit of LAMAR Advertising was present to speak for the use variance.

Councilor Zemen moved to accept the favorable recommendation and grant the use variance. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The use variance was granted.

Staff Reports: The Council received the following reports as information for the record:

• **Building & Inspection Report for November 2010**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial	0	0	0	\$0.00	\$0.00
Buildings:					
Commercial	6	0	6	\$1,373,056.00	\$16,140.00
Additions or					
Remodeling:					
Signs:	4	0	4	\$48,139.00	\$1,146.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential	2	2	0	\$65,000.00	\$996.50
Additions:					
Residential	75	75	0	\$444,829.00	\$8,898.00
Remodeling:					
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	2	2	0	\$4769.00	\$325.50
Decks & Porches:	0	0	0	\$0.00	\$0.00
Fences	11	11	0	\$21,633.00	\$979.00
Swimming pools:	0	0	0	\$0.00	\$0.00
Drain Tile	2	2	0	\$9,981.00	\$245.00
/Waterproofing					
Misc. see notes	0	0	0	\$0.00	\$0.00
below:					
Total:	102	92	10	\$1,971,647.00	\$28,933.50
Electrical	16	11	5	0	\$1,362.00
Permits					
Mechanical	14	8	6		\$1,291.00
Permits					
Plumbing	11	10	1		\$1,331.50
Permits					
Water Meters	0	0	0		\$0.00
Water Taps	0	0	0		\$0.00
Sewer/Storm	2	2	0		\$2,380.00
Taps					
Total:	13	12	1		\$3,711.50

November Code Enforcement: 132 warnings issued and 10 citations were issued.

There were 71 building inspections, 13 plumbing inspections, and 24 electrical inspections. There was one (1) electrical exam given.

• **Fire Department Report for November 2010**

	Month	Y.T.D.
General Alarms	11	130
Car Fires	1	13
Still Alarms	5	60
Ambulance calls	0	0

• **Workplace Safety Report for November 2010**

There was one incident in November. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2010	Total in 2009	Restricted Days 2010	Lost Workdays This Year	Restricted Days Last Year (2009)	Lost Workdays Last Year (2009)
Parks	0	2	2	25	3	0	0
Fire	1	2	0	0	0	0	0
Police	0	8	9	39	23	0	0

Street	0	0	4	0	0	0	0
Water & Sewer	0	1	4	88	0	18	82
Maint.	0	1	0	68	0	0	0
Other	0	1	0	0	0	0	0
TOTALS	1	15	19	220	26	18	82

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

1. **Resolution No. 2010-55:** A Resolution Fixing the amount of the Faithful Performance Bond of the Clerk-Treasurer, pursuant to IC 5-4-1-18(2). Councilor Novak moved the passage and adoption of resolution no. 2010-55. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND Town Council Resolution No. 2010-55

A RESOLUTION of the FISCAL BODY of the TOWN of HIGHLAND FIXING the OFFICIAL FAITHFUL PERFORMANCE BOND of the MUNICIPAL FISCAL OFFICER PURSUANT to I.C. 5-4-1 et seq.

WHEREAS, The Town Council of the Town of Highland serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C.36-1-1-2-9 and I.C. 36-5-2-2;

WHEREAS, The Clerk-Treasurer is required to file an individual surety bond conditioned on the Clerk-Treasurer's faithful performance of the duties of the office of clerk-treasurer, including the duty to comply with I.C. 35-44-1-22 pursuant to I.C. 5-4-1-18(2) with such filing subject to I.C. 5-4-1-9;

WHEREAS, The Highland Town Council now desires to comply with the provisions of law identified herein,

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby fixes the Individual surety for the clerk-treasurer for the year 2011 in the amount of Three Hundred Thousand Dollars (\$300,000);

Section 2. That the Town Council hereby finds and determines that the subject amount fixed for the bond is established according to the values and thresholds set forth in I.C. 5-4-18(c) which particularly states in pertinent part:

(a) The amount must equal thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, which such amount being in Fiscal Year 2009 a net revenue of Thirty-seven million, nine hundred seventy-two thousand, three hundred five dollars and fifty-six cents (\$37,972,305.56) for the purposes of the clerk-treasurer surety;and

(b) The amount may not be less than Thirty Thousand dollars (\$30,000) nor more than Three Hundred Thousand Dollars (\$300,000);

Section 3. That the Clerk-Treasurer be instructed and authorized to procure a surety bond pursuant to this resolution and that the proper officers take such steps as necessary to carry out the objects and purposes of this resolution.

DULY RESOLVED and ADOPTED this 20th Day of December 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer

2. **Resolution No. 2010-56:** A Resolution Regarding the Disposition of Appropriated Resources in the Building and Inspection, Plan Commission and Advisory Board of Zoning Appeals Departments, Authorizing its transfer to the Unsafe Building Fund, pursuant to I.C. 36-7-9-14. Councilor Vassar moved the passage and adoption of Resolution No. 2010-56. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN COUNCIL of the TOWN of HIGHLAND
RESOLUTION NO. 2010-56

A RESOLUTION REGARDING THE DISPOSITION OF APPROPRIATED RESOURCES IN THE BUILDING AND INSPECTION, PLAN COMMISSION AND ADVISORY BOARD OF ZONING APPEALS DEPARTMENTS, AUTHORIZING THEIR TRANSFER TO THE UNSAFE BUILDING FUND, PURSUANT TO I.C. 36-7-9 ET SEQ.

WHEREAS, The Town of Highland by proper legislative action, has established an unsafe building fund, pursuant to IC 36-7-9-14, codified as Section § 210.116 of the Highland Municipal Code;

WHEREAS, Indiana Code 36-7-9-14 (b) provides that money for the unsafe building fund may be received from any source, including appropriations by local, state and federal governments and donations;

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the **Building and Inspection, Advisory Board of Zoning Appeals and the Plan Commission Departments of the Corporation General Fund, all pursuant to IC 6-1.1-18-6.**

WHEREAS, The Town Council did identify appropriations that may be transferred to the Unsafe Building Fund in the budget of the Building and Inspection Department of the Corporation General Fund;

WHEREAS, The Building Commissioner as zoning administrator and responsible officer for the enforcement of the unsafe building law, has requested and recommended the identified amount be transferred to the unsafe building fund;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the **Building and Inspection Department of the Corporation General Fund** have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2010 budget, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION GENERAL FUND

Building and Inspection Department

Reduce Accounts: #340.23 Group Health Premiums	<u>\$ 12,632.20</u>
<i>Total 300 Series Reductions</i>	\$ 12,632.20
Increase Account: #310.05 Unsafe Building Demolition:	<u>\$ 12,632.00</u>
<i>Total 300 Series increases</i>	\$ 12,632.00

Section 2. That it has been shown that certain existing appropriations of the **Plan Commission Department of the Corporation General Fund** have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2010 budget, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION GENERAL FUND

Plan Commission Department

Reduce Accounts: #310.01 Legal Fees	\$ 2,743.68
#310.02 Engineering Fees	\$ 5,695.51
#310.03 Consultant Fees	\$ 500.00
#330.01 Legal Notices	<u>\$ 200.00</u>

<i>Total Reductions</i>	\$ 9,139.19
Increase Account: #310.05 Unsafe Building Demolition (Trans)	\$ 9,139.19
<i>Total Series increases</i>	\$ 9,139.19

Section 3. That it has been shown that certain existing appropriations of the **Advisory Board of Zoning Appeals Department** of the Corporation General Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2010 budget, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION GENERAL FUND

Advisory Board of Zoning Appeals Department

Reduce Accounts: #200.03 Misc. Supplies	\$ 151.50
<i>Total 200 Series Reductions</i>	\$ 151.50
Reduce Accounts: #310.01 Legal Fees	\$ 5,181.00
#330.01 Legal Notices	\$ 100.00
<i>Total 300 Series Reductions</i>	\$ 5,281.00
Increase Account: #310.05 Unsafe Building Demolition (Trans):	\$ 5,432.50
<i>Total Series increases</i>	\$ 5,432.50

Interfund Transfers

Section 4. That the Town Council now has determined that there is a need at this time to provide money for the **Unsafe Building Fund**, pursuant to IC 36-7-9-14 (b) and that an appropriation in the amount of \$12,632.20 has been identified in the Building and Inspection Department of the Corporation Fund;

Section 5. That the Clerk-Treasurer be and is hereby directed to transfer the amount of \$12,632.20 from the **Account 310.05 of the Building and Inspection Department of the Corporation General Fund** to the **Unsafe Building Fund**, where the proceeds of the transfer shall be receipted as cash on deposit to the credit of that fund.

Section 6. That the Town Council now has determined that there is a need at this time to provide money for the **Unsafe Building Fund**, pursuant to IC 36-7-9-14 (b) and that an appropriation in the amount of \$5,432.50 has been identified in the **Advisory Board of Zoning Appeals Department of the Corporation Fund**, and an appropriation in the amount of \$9,139.19 has been identified in the **Plan Commission Department of the Corporation Fund** for a total amount of \$14,571.69;

Section 7. That the Clerk-Treasurer be and is hereby directed to transfer the amount of \$5,432.50 from the **Account 310.05 of the Advisory Board of Zoning Appeals Department of the Corporation General Fund** to the **Unsafe Building Fund**, where the proceeds of the transfer shall be receipted as cash on deposit to the credit of that fund.

Section 8. That the Clerk-Treasurer be and is hereby further directed to transfer the amount of \$9,139.19 from the **Account 310.05 of the Plan Commission Department of the Corporation General Fund** to the **Unsafe Building Fund**, where the proceeds of the transfer shall be receipted as cash on deposit to the credit of that fund.

Section 9. That any balance remaining at the end of a fiscal year shall be carried over in the Unsafe Building Fund for the following year and does not revert to the General Fund, pursuant to Section § 210.116 of the Municipal Code and IC 36-7-9-14(a).

Section 10. That money on deposit to the credit of the Unsafe Building Fund shall be expended, according to the purposes set forth in IC 36-7-9-14(c) upon proper appropriation, pursuant to IC 36-7-9-14(d), IC 36-5-4-2.

Section 11. That the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby instructed, authorized and directed to transfer the amounts, as identified, to the Unsafe Building Fund.

DULY RESOLVED and ADOPTED this 20th Day of December 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Works Board Order No. 2010-52:** An Order for the Temporary CLOSING of Municipal Building at the Municipal Building on Tuesday, December 21, 2010. Councilor Zemen moved and Councilor Novak seconded the passage and adoption of Works Board Order No. 2010-52, Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

The Town of Highland
Board of Works
Order of the Works Board No. 2010-52

AN ORDER for the TEMPORARY CLOSING OF MUNICIPAL BUILDING at the
MUNICIPAL BUILDING on TUESDAY, DECEMBER 21, 2010

Whereas, The Town Council has been reliably advised that owing to worker initiated holiday events and needed opportunities to address administrative needs, it may be advisable to reduce access hours to the municipal building while maintaining a scheduled workday;

Whereas, Pursuant to IC 36-1-24(3), the Town Council is also the Works Board for the Town of Highland and governs the hours and other matters related to the Town Hall;

Whereas, The Town Council now desires to modify the access hours of the Highland Municipal Building on Tuesday, December 21, 2010;

Now Therefore be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1 That the usual hours of public access at the administrative and associated offices (non-public safety) at the Highland Municipal Building on Tuesday, December 21, 2010 are hereby fixed at **8:30 a.m. to 1:30 p.m.** but the usual hours of operation or the scheduled workday are unchanged;

Section 2. That the affected department heads and the Clerk-Treasurer shall carry out the purposes of this order;

Section 3. That the Clerk-Treasurer will take steps by appropriate media release to give notice of the subject of this order;

Section 4. That this order shall be effective on and from its passage and adoption body;

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 20th day of December 2010 having passed by a vote of 5 in favor and 0 opposed.

WORKS BOARD of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Works Board Order No. 2010-53:** An Order Authorizing and Approving a Second Change Order to the Construction Contract related to the Highland Street Reconstruction Project, all Pursuant to I.C. 36-1-12-18. Councilor Novak moved and Councilor Zemen seconded the passage and adoption of Works Board Order No. 2010-53. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

The Town of Highland
Order of the Works Board No. 2010-53

An Order Authorizing and Approving a Second Change Order to the Construction Contract
related to the Highland Street Reconstruction Project, all Pursuant to I.C. 36-1-12-18.

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street reconstruction and

other improvements in the public roadway of Highland Street, with the project commonly known as the Highland Street Reconstruction Project; and

Whereas, The Town Council has heretofore awarded a contract to **Rex Construction, Incorporated** for the Project on March 22, 2010 in the amount of Two hundred Seventy-Four Thousand, Seven Hundred Eighty-eight Dollars and 73/100 Cents (\$274,788.73); and

Whereas, The Town Council has heretofore approved the First Change Order to the construction contract to Rex Construction, Incorporated for the Project on July 19, 2010 in the amount of Twenty-five Thousand Ninety-seven Dollars and 00/100 cents (\$25,097.00) bringing the total contract amount to Two Hundred Ninety-nine Thousand Eight Hundred Eighty-five Dollars and 73/100 Cents (\$299,885.73); and

Whereas, The Project has been completed and it has become necessary to adjust all estimated pay item quantities to their final installed amounts; and

Whereas, Garcia Consulting, a licensed engineer performing construction engineering services on this project, at the request of the Town, through the Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed second addendum to the original construction contract with Rex Construction, Incorporated, particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost; and

Whereas, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described.

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board:

Section 1. That the Second Addendum to the Construction Contract with Rex Construction, Inc. for the **Highland Street Reconstruction Project**, as prepared by Garcia Consulting, Incorporated, a licensed engineer performing construction engineering services on this project, is hereby determined to be directly related to the original project and is hereby approved, adopted and ratified in each and every respect;

Section 2. That this second addendum is hereby ordered to be known as **Change Order No. 2**, issued to *decrease the net cost* to the original agreement between the Town of Highland and Rex Construction Co., Incorporated in the amount of Thirteen Thousand, Four Hundred Thirty-four Dollars and 13/100 Cents (\$13,434.13), bringing the total value of the entire agreement with any and all change orders approved to date to Two Hundred Eighty-six Thousand, Four Hundred Fifty-one Dollars and 60/100 Cents (\$286,451.60);

Section 3. That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

Section 4. That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original contract being Two hundred Seventy-Four Thousand, Seven Hundred Eighty-eight Dollars and 73/100 Cents (\$274,788.73) which may not exceed Three Hundred Twenty-nine thousand, seven hundred forty-six Dollars and 48/100 Cents (\$329,746.48), all pursuant to IC 36-1-12-18(d);

Section 5. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

Be it So Ordered

DULY, PASSED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 20th day of December 2010 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

5. **Works Board Order No. 2010-54:** An Order of the Works Board authorizing and approving the participation of the Town of Highland in the Indiana Municipal Utility Group filing an intervenor petition in the NIPSCO Rate Case No. 43969 and Continue with (Rate Case) Cause No. 43526. Councilor Vassar moved the passage and adoption of Works Board Order No.

2010-54. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND
WORKS BOARD ORDER NO. 2010-54

AN ORDER OF THE WORKS BOARD AUTHORIZING AND APPROVING THE PARTICIPATION of the TOWN of HIGHLAND in the INDIANA MUNICIPAL UTILITY GROUP FILING AN INTERVENOR PETITION in the NIPSCO RATE CASE NO. 43969 and CONTINUE with (RATE CASE) CAUSE NO. 43526.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.;

Whereas, Northern Indiana Public Service Company (NIPSCO) has presently filed a petition with the Indiana Utility Regulatory Commission (IURC) to permit a revision and increase to its rates for electrical service;

Whereas, Town of Highland, through its utilities and all executive departments, did pay in FY 2007 the amount of \$575,698 for all electrical services, and \$232,000 for street and traffic lights;

Whereas, The Town Council of Highland adopted Works Board Order No. 2008-27, on October 21, 2008, which authorized Highland's participation in a petition filed with the IURC to intervene in NIPSCO's Rate Case No. 43526 for the purposes of protecting the municipality from any undue rate increase and perhaps to foster the adoption of an approved rate that will produce savings in energy costs for the municipality;

Whereas, The Town of Highland joined by the Towns of Schererville, Dyer, Griffith and Munster, engaged London Witte Group, LLC, to influence the outcome of the NIPSCO Electric base rate proceeding captioned as Cause No. 43526 in a manner favorable to the Highland and the other municipalities as rate payers;

Whereas, The forgoing effort was successful, yet there are efforts being made to stipulate Cause No. 43526 and modify the results found appropriate by the Indiana Utility Regulatory Commission through combination with efforts to stipulate a *new rate proceeding*, Cause No. 43969.

Whereas, Town Council has been reliably advised that the Towns of Dyer, Schererville, Griffith, and Munster have approved or will soon be approving an agreement with London Witte Group, LLC, operating in an arrangement to be called the Indiana Municipal Utility Group, to support the work of a second *intervener* petition of their behalf, related to the *new rate proceeding*, Cause No. 43969;

Whereas, The Town Council determines that participating in such an effort will be of benefit and public utility for the municipality and may well protect against undue increases in energy costs and perhaps foster savings; and,

Whereas, The Town Council now desires to take such steps to approve participation in the successor intervenor petition and to engage;

Now Therefore Be it hereby Ordered BY the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That municipality of the Town of Highland, Lake County, Indiana, be hereby authorized and approved to participate in the Intervening Petition filed in connection with the NIPSCO Rate Case No. 43969;

Section 2. That the agreement to engage the services of London Witte Group, LLC, operating as the Indiana Municipal Utility Group, *included herein as an exhibit*, is hereby approved, provided that the share of cost to the Town of Highland not exceed the amount of \$6,190, an amount which represents a calculated proportion of the cost estimate;

Section 3. That the if the effort requires compliance with the terms of IC 36-1-7 et seq., that this order be construed to be a resolution under its terms, and that any change in terms from those agreed to in this action not be approved without express action of the Town Council;

Section 4. That the proper officers of Town are authorized to execute with their signatures the documents related to this action.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 20th day of December 2010 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

Exhibit

December 12, 2010

Town Council
Town of Highland
3333 Ridge Road
Highland, Indiana 46322-3351

Re: Amendment to Letter of Engagement with the Indiana Municipal Utility Group to Intervene on behalf of the Town of Highland in Cause No. 43526 and related matters.

Our initial letter of engagement with the Town, dated October 28, 2008, was related to the above captioned matters. The Indiana Municipal Utility Group has been working on your behalf since that date in an effort to influence the outcome of the Nipsco Electric base rate proceeding captioned as Cause No. 43526 in a manner favorable to the Town. We were successful in doing so, yet there are efforts being made to stipulate Cause No. 43526 and modify the results found appropriate by the Indiana Utility Regulatory Commission through combination with efforts to stipulate a new rate proceeding, Cause No. 43969.

Without representation it is possible that the results of our efforts and your investment in Cause No. 43526 will be negated. In order to stay engaged with the process, it is necessary to file an intervention in Cause No. 43969. Thus, the purpose of this amendment is to not only request a monetary amendment, but a scope amendment, as I am requesting your permission to file an intervention on behalf of the Town of Highland in Cause No. 43969. Should stipulation be unsuccessful, and should you wish to decline further involvement in Cause No. 43969, we will cease booking time under this amendment.

This amendment to the original engagement will be for an amount not to exceed \$6,190. If you find this engagement amendment acceptable and wish to engage the Indiana Municipal Utility Group and its resources, please indicate so by signing below on the line indicated.

Sincerely,

Theodore J. Sommer
Indiana Municipal Utility Group

Accepted: **TOWN of HIGHLAND, INDIANA**
3333 Ridge Road, Highland, Indiana 46322
Through its Town Council also acting as the Works Board

By: _____
Mark A. Herak, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer

Date: _____

6. **Works Board Order No. 2010-55:** An Order Authorizing, Approving and Ratifying the Payment of Elective Honoraria or Stipend to the Holiday Character(s) in the Annual Highland Christmas Parade. Councilor Kuiper moved the passage and adoption of Works Board Order No. 2010-55. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND
WORKS BOARD ORDER NO. 2010-55**

AN ORDER AUTHORIZING, APPROVING AND RATIFYING THE PAYMENT OF ELECTIVE HONORARIA OR STIPEND to the SANTA CLAUS IN THE ANNUAL HIGHLAND CHRISTMAS PARADE.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

Whereas, The Highland Community Events Commission, did organize and marshal the annual Christmas Parade; and

Whereas, The Highland Community Events Commission did arrange for the end of the parade to bring participants to meet with Santa Claus;

Whereas, The Highland Community Events Commission has informed the Town Council that it has been customary for the payment of an honorarium or stipend to Santa Claus;

Whereas, The Highland Community Events Commission has further recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support the payment of these honoraria and stipends; and,

Whereas, Under its authority of IC 36-1-3, The Town passed and adopted Section §33.03 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town;

Whereas, The Town Council has reviewed the matter, and now desires to make findings and determinations related to these recommendations and requests and to favor the recommendation and request of the Special Event Advisory Committee,

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Santa Claus and Elf which participated in the most recent **Christmas Parade**, as may be identified by the Community Events Commission, be paid an elective honorarium, in appreciation and recognition of his participation, in the amount of One hundred fifty dollars (\$150) payable to Lisa Lynn Hargis-Roberts;

Section 2. That the Town Council hereby finds and determines that the forgoing activities and items of expense are lawful and proper expenses incurred in promoting the best interests of the Town as set forth in Section §33.03 of the Highland Municipal Code which reads as follows:

§ 33.03 AUTHORITY OF TOWN COUNCIL TO REIMBURSE TOWN OFFICIALS FOR CERTAIN EXPENSES.

The Town Council is hereby authorized to budget and appropriate funds from the general fund of the town to pay the expenses of, and to reimburse, town officials for expenses incurred in promoting the best interests of the town. Such expenses may include, but not necessarily be limited to meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, and any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the town.

Section 3. That the Town Council further finds and determines that the activities and expenses as described herein, while not paid from the Corporation General Fund, are uses and expenditures consistent with the purposes of the **Special Events Non Reverting Fund, when proper appropriations are accordingly approved;**

Section 4. That the Clerk-Treasurer is hereby authorized and instructed to prepare an accounts payable voucher against the appropriate fund and account for the benefit of Lisa Lynn Hargis-Roberts, which participated as indicated in the most recent **Christmas Parade**, as may be identified by the Community Events Commission, depicting the expense as an Honorarium or Stipend, in the amount herein named, and to take such other measures to carry-out the purposes and objects of this order.

Section 5. That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 20th day of December 2010 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

7. **Works Board Order No. 2010-56:** An Order Affirming, Ratifying, Authorizing and Approving agreement(s) between Bond Counsel, Local Counsel and the Town of Highland to perform Professional Legal services in support of the Issuance of the Recovery Zone Economic Development Bonds of 2010. Councilor Zemen moved the passage and adoption of Works Board Order No. 2010-56. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Board of Works
Order of the Works Board No. 2010-56**

AN ORDER AFFIRMING, RATIFYING, AUTHORIZING AND APPROVING AGREEMENT(S) BETWEEN BOND COUNSEL, LOCAL COUNSEL AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL LEGAL SERVICES IN SUPPORT OF THE ISSUANCE OF THE RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS OF 2010

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to resurface many of the roads and streets throughout the Town;

Whereas, The Town Council did authorize the sale of Corporation Bonds of 2008, which were in fact sold and settled on October 16, 2008; and

Whereas, The Town has heretofore determined that a need exists to engage professional legal services associated with the sale of the Corporation Bonds; and

Whereas, Shanahan & Shanahan, LLP, a law firm, has consented to provide professional services related to issuing the Recovery Zone Economic Development Bonds including providing an opinion letter for the buyer of the bonds, and other services related to service as Bond Counsel; and

Whereas, Tauber, Westland and Bennett, PC, a law firm, has consented to provide professional services related to issuing the Corporation Bonds including other services related to service as Local Counsel, which would be apart from and in addition to the terms for services for which it is already engaged by the municipality; and

Whereas, As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1; and

Whereas, The Highland Municipal Code provides that, the Town Council may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed, and negotiate compensation that the public agency determines to be reasonable, pursuant to Section §31.62; and

Whereas, There are sufficient and available appropriations balances on hand to support the payments for these services under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to accept and approve the agreement for services as herein described.

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Agreement (incorporated by reference and made a part of this Order) between Shanahan & Shanahan, LLP, and the Town of Highland, to provide professional services related to issuing the Corporation Bonds including providing an opinion letter for the buyer of the bonds, and other services related to service as Bond Counsel is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement for the services, are not based upon a percentage of cost of the capital project, and are found and determined to be related to the services rendered as well as appropriate, reasonable and fair, all pursuant to IC 5-22-6-1, 50 IAC 11-3-1 and Section § 31.62 of the municipal code;

Section 3. That the Agreement (incorporated by reference and made a part of this Order) between Tauber, Westland and Bennett, PC, a law firm, to provide professional services related to issuing the Corporation Bonds including other services related to service as Local Counsel, which would be apart from and in addition to the terms for services for which it is already engaged by the municipality is hereby approved, adopted and ratified in each and every respect;

Section 4. That the terms and charges under the agreement for the services, are *not* based upon a percentage of cost of the capital project, and are found and determined to be related to the services rendered as well as appropriate, reasonable and fair, all pursuant to IC 5-22-6-1, 50 IAC 11-3-1 and Section § 31.62 of the municipal code;

Section 5. That the Town Council President be authorized to execute any agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer.

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 20th day of December 2010 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

8. **Works Board Order No. 2010-57:** An Order Finding and Determining Certain Personal Property of the Municipality as No longer needed for the Purposes for which originally acquired or as Worthless and further Authorizing and Approving Disposal or Transfer of said property. Councilor Kuiper moved and Councilor Vassar seconded the passage and adoption of Works Board Order No. 2010-57. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND
BOARD of WORKS ORDER NO. 2010-57**

AN ORDER FINDING and DETERMINING CERTAIN PERSONAL PROPERTY of the MUNICIPALITY as NO LONGER NEEDED for the PURPOSES for WHICH ORIGINALLY ACQUIRED OR AS WORTHLESS and FURTHER AUTHORIZING and APPROVING DISPOSAL OR TRANSFER of said PROPERTY

WHEREAS, The Town Council for the Town of Highland is the Works Board of the Municipality pursuant to IC 36-1-2-24(3) and

WHEREAS, The Town Council has been advised by the proper officers that there are items of personal property owned by the municipality that either are no longer needed and may be deemed worthless, in that the value of the property is less than the estimated costs of the sale and transportation of the property, pursuant to IC 5-22-22-8; and

WHEREAS, The Town Council has been further advised by the proper officers that there are items of personal property owned by the municipality that either are no longer needed for the purposes originally acquired, particularly the so-called insulation "kozy" or sleeve for beverages, styled with special municipal commemorative logo; and

WHEREAS, The proper officers have recommended that a disposal of the personal property be authorized, all pursuant to the provisions of IC 5-22-22 et seq.; and

WHEREAS The Town Council now desires to favor the recommendation and take those steps necessary to authorize and approve a disposal of personal property of the municipality pursuant to the applicable law,

NOW, THEREFORE, BE IT ORDERED by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the Town Council of the Town of Highland hereby finds and determines the following:

(a) That there are certain articles of personal property owned by the municipality, located in the employee break and meeting room at the Town Hall and other locations in the municipal building, that are no longer needed, unfit for the purposes for which they were acquired and may be deemed worthless, pursuant to IC 5-22-22-8;

(b) That the value of the property is less than the estimated costs of the sale and transportation of the property, pursuant to IC 5-22-22-8;

(c) That the proper officers of the municipality are hereby authorized and instructed to cause a lawful disposal of the personal property identified in this Section by demolition or junking, provided that the proper officers make a list of the personal property that is disposed of under the terms of this section and this order, and file it with the clerk-treasurer, pursuant to the provisions of IC 5-22-22 et seq.

Section 2. That the Town Council of the Town of Highland hereby further finds and determines the following:

(a) That are items of personal property owned by the municipality that are no longer needed for the purposes originally acquired, particularly so-called insulation "kozy" or sleeve for beverages, styled with special municipal commemorative logo, pursuant to IC 5-22-22;

(b) That the value of one item, with an estimated value of less than one thousand dollars (\$1,000) and the several items together have an estimated total value of less than five thousand dollars (\$5,000);

(c) That the proper officers of the municipality are hereby authorized to transfer the property, as identified in Section 2 of this Order without advertising, pursuant to IC 5-22-22-6 and the provisions of IC 5-22-22 et seq.

(d) That any transfer that may have taken place in advance of the adoption of this order, is hereby ratified and approved, pursuant to the provisions of IC 36-1-4-6 and IC 36-1-4-16.

BE IT SO ORDERED.

DULY ADOPTED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Board of Works, this 20th day of December 2010 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

9. Action to Accept and Approve the Proposal of the IACT Medical Trust for Group Life and AD &D Insurance for the municipal workforce, at a significant savings, and rescinding the actions related to approving a plan underwritten by Sun Life, noting the following rates:

Sun Life:	IACT Medical Trust:
Term life: 15¢ per \$1,000 mo.	Term life: 14.5¢ per \$1,000 mo.
AD&D rate: 25¢ per \$1,000 mo.	AD&D rate: 20¢ per \$1,000 mo.
Dep. Life: \$1.88 per family mo.	Dep. Life: \$1.50 per family mo.

Councilor Vassar moved to approve and accept the proposal of the IACT Medical Trust for Group Life AD&D Insurance and rescinding the prior action approving the Sun Life Plan. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The IACT Medical Trust Life Insurance plan was adopted.

10. **Works Board Order No. 2010-58:** An Order Approving and Authorizing the Metropolitan Police Chief to pay the initial rental and interest installment on a Lease-Purchase Agreement with First Midwest Bank for Two (2) 2010 Chevrolet Impala Police Cars with Special Police Equipment Packages, pursuant to IC 5-22 and §31.18(C) of the Municipal Code. Councilor Kuiper moved and Councilor Vassar seconded, to pass and adopt the Works Board Order No. 2010-58. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Order was adopted.

AN ORDER APPROVING AND AUTHORIZING THE METROPOLITAN POLICE CHIEF TO PAY THE INITIAL RENTAL AND INTEREST INSTALLMENT ON A LEASE-PURCHASE AGREEMENT WITH FIRST MIDWEST BANK FOR TWO (2) 2010 CHEVROLET IMPALA POLICE CARS WITH SPECIAL POLICE EQUIPMENT PACKAGES, PURSUANT TO IC 5-22 AND §31.18(C) OF THE MUNICIPAL CODE.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carryout the functions of the department; and

Whereas, The Metropolitan Police Chief has previously determined a need to replace certain equipment and supplies and has further determined that since the unit price will likely be around \$25,000.00 rendering a contract for purchase in excess of \$75,000.00, formal bids were sought for a purchase of five (5) Impala Police Cars, each equipped with a special police accessory package will be made in open market, pursuant to Section § 31.20 (H) of the Highland Municipal Code;

Whereas, The Town Council did authorize the **acquisition of the vehicles by Lease-Purchase, with First Midwest, at a fixed rate of 4.15%, with First Midwest acquiring the vehicles from Christenson Chevrolet**, all by adoption of **Works Board Order No. 2010-36**, passed August 16, 2010;

Whereas, The first of three lease-rental payment installment is not due until **June 15, 2011**, the Metropolitan Police Chief now requests that he be authorized to pay the first lease-rental payment, originally due in 2011, in the current fiscal year from identified surplus in the current fiscal year and to be further authorized to make such other early payments in advance of their scheduled due date, and thereby satisfy and conclude the lease-purchase agreement earlier than its due date, provided there is sufficient appropriations and resources to support this; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(2) of the Highland Municipal Code serves as purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to §31.19(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, requires the approval of the purchasing agency for his department pursuant to §31.18(C) of the Highland Municipal Code, since the requested total payments represent a purchase that is in excess of ten thousand dollars (\$10,000), and that early payment for early purchase represents a departure from the original authorization set forth in the authorizing instrument, Works Board Order No. 2010-36;

Whereas, The proposed early payment and such other installments, originally due in 2011 and two years after, will be supported by a duly approved appropriation in the **Municipal Cumulative Capital Development Fund**; and

Whereas, The Town Council now desires to approve and authorize the Metropolitan Police Chief to pay the first lease-rental payment, originally due in 2011, in the current fiscal year from identified surplus in the current fiscal year and to be further authorized to make such other early payments in advance of their scheduled due date, and thereby satisfy and conclude the lease-purchase agreement earlier than its due date, provided there is sufficient appropriations and resources to support this,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby authorizes and directs the Metropolitan Police Chief to pay the first lease-rental payment, originally due in 2011, in the current fiscal year from identified surplus in the current fiscal year;

Section 2. That the Metropolitan Police Chief be further authorized to make such other early payments in advance of their scheduled due date on the herein described lease-purchase agreement, and thereby satisfy and conclude the lease-purchase agreement earlier than its due date, provided there is sufficient appropriations and resources to support this;

Section 3. That the payments identified in the previous sections shall be comprised of the sum of any principal balance *plus the properly calculated interest* and any final acquiring payment of \$1.00 or other agreed upon reasonable final consideration, if required, and shall be paid to **First Midwest Bank** according to the terms in the lease agreement, *provided there is no prepayment penalty*;

Section 4. That the Metropolitan Police Chief is authorized and directed to carry out the terms of this order and obtain the proper certificates of title for the three police vehicles and then file these documents as well as any added financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be it So Ordered.

DULY, PASSED, ADOPTED and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 20th day of December 2010 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

11. **Works Board Order No. 2010-59:** An Order Authorizing, Accepting and Approving Extension Offers for Certain Contracts for Materials and Supplies through December 31, 2011, all pursuant to IC 5-22-17-4 and §31.20 of the Municipal Purchasing Code. Councilor Novak moved the passage and adoption of Works Board Order No. 2010-59. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Order was adopted.

TOWN of HIGHLAND
ORDER of WORKS BOARD NO. 2010-59

AN ORDER of the WORKS BOARD AUTHORIZING and APPROVING OFFERS for the EXTENSION of CERTAIN CONTRACTS for MATERIALS and SERVICES through DECEMBER 31, 2011, Pursuant to INDIANA CODE 5-22 ET SEQ. and § 31.18 of the HIGHLAND PURCHASE CODE

Whereas, The Town of Highland did receive bids on February 14, 2007 for Road Materials and Services pursuant to IC 5-22 *et seq.* and on March 26, 2007, the Town Council for the Town of Highland accepted and awarded certain bids as the lowest responsible and responsive bids; and

Whereas, The Town of Highland did receive bids on March 16, 2010 for Road Materials and Services pursuant to IC 5-22 *et seq.* and on April 5, 2010, the Town Council for the Town of Highland accepted and awarded certain bids as the lowest responsible and responsive bids; and

Whereas, Town had entered into contracts with the successful bidders for Road Materials and Services and has heretofore determined that again extending the current contracts will realize a cost and time savings, all in the best interest of the Town of Highland; and

Whereas, The Town Council for the Town of Highland, pursuant to IC 5-22-17-4, now wishes to offer contract extensions to the successful bidders of 2007 and 2010 for Road Materials and Services, under the original terms, conditions and prices for the same term as the original contract (1-year).

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana,

Section 1 That the Director of Public Works is hereby ordered to offer contract extensions to the successful bidders of 2007 and 2010 for Road Materials and Services under the same terms, conditions, and prices for the period January 1, 2011 through December 31, 2011;

Section 2. That the Director of Public Works be authorized to execute each Contract Extension with his signature as attested thereto by the Clerk Treasurer.

Be it So Ordered

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 20th day of December, 2010 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

12. **Resolution No. 2010-57:** An Exigent RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SANITATION DEPARTMENT of the CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6. Councilor Kuiper moved and Councilor Novak seconded the passage and adoption of Resolution No. 2010-57. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2010-57

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SANITATION DEPARTMENT of the CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Sanitation Department of the Corporation General Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Sanitation Department of the Corporation General Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION GENERAL FUND

Sanitation Department

Reduce Account:	#380.01 Solid Waste Service	<u>\$300.00</u>
	<i>Total 300 Series Reductions</i>	\$300.00
Increase Account:	#112.09 PERF	<u>\$300.00</u>
	<i>Total 100 Series Increases</i>	\$300.00
	Total of All Fund Decreases:	\$300.00
	Total of All Fund Increases:	\$300.00

DULY RESOLVED and ADOPTED this 20th Day of December 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA
Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

13. Action to authorize the rescheduling of the regular study session of the Town Council of December 27, 2010 to begin at 5:30 p.m. and to authorize the study session to serve as a special meeting for the purpose of selecting certain property, public officials and commercial lines insurance plans for the municipality. Councilor Zemen moved to authorize the and approve the rescheduling of the regular study session of December 27, 2010 from a start time of 7:00 p.m. to 5:30 p.m. and authorize a scope of notice to permit action by vote if desired by the council. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being

necessary pursuant to **Section §30.XX** of the Municipal Code, there were five affirmatives and no negatives. The motion passed. The meeting reschedule was approved.

Comments from the Town Council Members
(For the Good of the Order)

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison • Town Board of Metropolitan Police Commissioners • Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison.*

Councilor Zemen wished all a Merry Christmas and Happy New Year.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison • Plan Commission member.*

Councilor Vassar wished all a Merry Christmas and Happy New Year.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member.*

Councilor Novak wished all a Merry Christmas and Happy New Year.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison.*

Councilor Kuiper wished all a Merry Christmas and Happy New Year.

- **Councilor Mark Herak:** • *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Board of Sanitary Commissioners, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Council President Herak wished all a Merry Christmas and Happy New Year.

Comments from the Public or Visitors

1. Shawn Pettit, LAMAR Outdoor Advertising, expressed appreciation for the approval of the ABZA use variance petition. Mr. Pettit further noted that a pending installation of a new Outdoor LED advertising sign, located in Highland near the site of the Waterworks south water storage tank, is zoned Open Space. The installation of the sign being proximate to Indianapolis Boulevard requires Indiana Department of Transportation approval. Mr. Pettit further indicated that INDOT would not approve the installation of the sign while the property is zoned as Open Space. Mr. Pettit asked for the Town council's cooperation as the process moves forward. It was noted that the process would require beginning at the Plan Commission level.
2. Ray Anderson, 8618 Condit (corner of Condit and Parrish Avenue), complained about damage to his yard from snow plowing conducted by the Town. Mr. Anderson presented pictures. It was noted that the Public Works Department agree to perform a restoration with grass seed. Mr. Anderson expressed his concern about the speed of the street plows.

Payment of Accounts Payable Vouchers. Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, including the special payroll dockets, covering the period December 07, 2010 through to December 20, 2010. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion

passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$361,970.05; Motor Vehicle Highway and Street (MVH) Fund, \$28,531.63; Local Road and Street Fund, \$1,322.40; VIPS/Parks Public Safety Fund, \$648.50; Law Enforcement Continuing Education, Training and Supply Fund, \$135.30; Corporation Capital Retainage Fund, \$17,443.82; Corporation Bond & Interest (new debt), \$53,000.00; Information and Communications Technology Fund, \$7,621.46; Solid Waste District Grant Fund, \$8,898.65; Civil Donation Fund, \$123.62; Rainy Day Fund, \$3,825.00; Police Pension Fund, \$100,000.00; Municipal Cumulative Capital Development Fund, \$ 13,295.00; Traffic and Law Violations Agency Fund, \$3,169.00; Safe Neighborhood Grant Fund, \$1,400.00; Sexual Predator Federal Grant Fund, \$2,100.00; Gaming Revenue Sharing Fund, \$33,863.24; and Corporation Capital Fund, \$24,856.53; Total: \$662,204.20.

Special Payroll Dockets for the payroll of October 8, 2010 in the amount of **\$175,555.05**; the payroll of October 22, 2010 in the amount of **\$270,620.11**; the payroll of November 5, 2010 in the amount of **\$175,459.09**; for the payroll of November 19, 2010 in the amount of **\$242,921.50** and the payroll of December 3, 2010 in the amount of **\$173,378.55**.

Adjournment of Plenary Session. There being no further business, Councilor Kuiper moved that the regular meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular Town Council meeting of **Monday, December 20, 2010** was adjourned at 7:50 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer